

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, June 19, 1979 at 7:30 P.M.

Present: Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Antone J. Regula, Councilman

Also present: Henry S. Saxtein, Town Attorney

Absent: Alex E. Horton, Supt. of Highways

Supervisor Smith called the meeting to order at 7:30 p.m., and the Pledge of Allegiance was recited.

BILLS

Bills submitted on abstract dated June 19, 1979 as follows:

General Town	\$423,259.23
Capitol - Horton Avenue - Drainage	\$ 8,500.00
Capitol Projects	\$ 12,215.91
Highway Item #1	\$ 13,604.79
Highway Item #3	\$ 12,074.25
Highway Item #4	\$ 1,200.94
Highway Item #3 Enc.	\$ 7,016.00

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That subject to complete audit the following bills be approved for payment:

General Town	\$423,259.23
Capitol - Horton Avenue - Drainage	\$ 8,500.00
Capitol Projects	\$ 12,215.91
Highway Item #1	\$ 13,604.79
Highway Item #3	\$ 12,074.25
Highway Item #4	\$ 1,200.94
Highway Item #3 Enc.	\$ 7,016.00

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

6/19/79

551

OPEN BID REPORT - PECONIC RIVER MARINA & PARK - CONTRACT #1 - BULKHEAD & DOCK CONSTRUCTION

After being duly advertised the bids for the Peconic River Marina & Park, Contract #1, Bulkhead & Dock Construction were opened by the Town Clerk on Thursday, June 14, 1979 as follows:

ITEM No.	DESCRIPTION	QUANTITY	BIDDER		BIDDER		BIDDER		BIDDER		BIDDER	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	DEMOLISH & REM. EXISTING BULKHEAD	300 LF	56	16,800	28.35	8,505			30	9,000	10	3,000
2-A	EXCAVATION, STOCK PILING & BACKFILL	LUMP SUM	L.S.	6,000	L.S.	3,500	L.S.		L.S.	8,500	L.S.	2,000
2-B*	DISPOSAL OF UNSUITABLE SOIL OFF-SITE	100 CY	5.00	5,00	8.00	8,00			5.00	5,00	4.00	4,00
3	F&I TIMBER BULKHEAD, INCL. SHEETING, PILES, WALES, TIE RODS, DEADMEN & HARDWARE	350 LF	148	51,900	150	52,500			182	63,700	201	70,400
4	F&I FLOATING DOCK & REMP	LUMP SUM	L.S.	9,200	L.S.	15,025	L.S.		L.S.	20,000	L.S.	12,000
5	F&I WOOD DECKING	400 LF	28	11,200	15	6,000			15	6,000	13.46	5,384
6*	ADDITIONAL BACKFILL	50 CY	8	400	6	300			6	300	6	360
	* Contingency Item											
TOTAL BID (ALL ITEMS)				\$95,900		\$86,630				\$108,000		\$93,926
CERTIFIED CHECK OR BID BOND				BID BOND		BID BOND				BID BOND		BID BOND
PLANS & SPECS RETURNED				SPECS		SPECS				SPECS		SPECS

FILED.

552.

OPEN BID REPORT - PECONIC RIVER MARINA & PARK - CONTRACT #2 - ELECTRICAL & LIGHTING

After being duly advertised the bids for the Peconic River Marina & Park, Contract

ITEM NO.	DESCRIPTION	QUANTITY	BIDDER		BIDDER		BIDDER		BIDDER		BIDDER
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	
9-A	F&I NEW RECEPTACLE STATIONS	6 UNITS			CLEARWATER	ROLAND'S	HINCK ELEC.				MEEKER
9-B	F&I RENOVATED RECEPTACLE STATIONS	7 UNITS			INDUSTRIAL CRP, MASSAPEQUA, NY	UNIONDALE, NY	CO.				ELECT
10	PROVIDE TRENCHING, BACKFILLING & COM-PACTION FOR CABLE INSTALLED	2,400 LF									
11	INSTALL CONCR. SIDEWALK & APRONS	200 SF									
12	PROVIDE ADD. EXCAVATION, IF ORDERED	10 CY									
13	F&I ADD. CONCR, IF ORDERED	5 CY									
14	F&I SELECT BACKFILL	50 CY									
15	INSTALL 2" TEMPORARY PAVEMENT	60 CY									
16	RENOVATE PANEL & PROJECT REDUCTION	LUMP SUM	L.S.		L.S.		L.S.		L.S.		L.S.
* Optional Item											
TOTAL BID (SUM OF ALL ITEMS EXCEPT ITEMS 5A & 16)									\$43,280.60		\$38,364
CERTIFIED CHECK OR BID BOND									BID BOND		BID B
PLANS & SPECS RETURNED									SPECS		SPECS

OPEN BID REPORT - PECONIC RIVER MARINA & PARK - CONTRACT #3 - SITE PREPARATION

After being duly advertised the bid for the Peconic River Marina & Park, Contract #3, Site Preparation was opened by the Town Clerk on Thursday, June 14, 1979 as follows:

ITEM NO.	DESCRIPTION	QUANTITY	BIDDER MONTAWK BLACK		BIDDER TOP CORP.		BIDDER HUNT. STA.		BIDDER NORTHPORT, NY		BIDDER CHESTERFIELD		BIDDER ROBERT		BIDDER RICHARD	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
7-A	F&I PORT CEMENT CONCR. CURB (ALL AREAS EXCEPT CURBED ISLAND)	1,180 LF														
7-B*	F&I PORT CEMENT CONCR. CURB (CURBED ISLAND AREA)	460 LF														
8-A	PAVEMENT RESTORATION (ALL AREAS EXCEPT CURBED ISLAND)	700 SY														
8-B*	PAVEMT. RESTORATION (CURBED ISLAND AREA)	300 SY														
9*	PAVEMENT STRIPING	LUMP SUM	L.S.													
10	F&I TRAFFIC SIGNS	16 UNITS														
11****	ADD. GRANULAR FILL	50 CY														
			* OPTIONAL ITEM													
			** ALTERNATE ITEM													
			*** CONTINGENCY ITEM													
			TOTAL BID (SUM OF ALL ITEMS EXCEPT 3-D & 3-E)													
			TOTAL ALT. BID #1 (SUM OF ALL ITEMS EXCEPT 3-A & 3-B)													
			TOTAL ALT. BID #2 (Sum of Items 1-A, 2A-1, 2-B, 3-A, 3-B, 4-A, 6, 7-A, 8-A, 10 & 11)													
			TOTAL ALT. BID #3 (Sum of Items 1-A, 2A-1, 2-B, 3-D, 3-E, 4-A, 4-B, 6, 7-A, 8-A, 10, & 11)													
			CERTIFIED CHECK OR BID BOND													
			PLANS & SPECS RETURNED													

6/19/79

554.

OPEN BID REPORT - PECONIC RIVER MARINA & PARK - CONTRACT #4 - LANDSCAPING

After being duly advertised the bids for the Peconic River Marina & Park, Contract #4, Landscaping were opened by the Town Clerk on Thursday, June 14, 1979 as follows:

ITEM NO	DESCRIPTION	QUANTITY	BIDDER MOHAWK BLACK- TOP CORP. HUNT, STA.		BIDDER CHESTERFIELD ASSOCIATES W. HAMPTON BCH		BIDDER MIKE SIPALA DIX HILLS		BIDDER RICHARD'S NURSERY MILLER PLACE		BIDDER LARCHWOOD CONST. C HOLTSVILLE	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1-A	F&I SEEDING (ALL AREAS EXCEPT CURBED ISLAND)	LUMP SUM	L.S.		L.S.		L.S.		L.S.		L.S.	
1-B*	F&I SEEDING (CURBED ISLAND AREA)	LUMP SUM	L.S.		L.S.		L.S.		L.S.		L.S.	
2-A	F, PLANT AND MAINT. PLANT MATERIAL (ALL AREAS EXCEPT CURBED ISLAND)	LUMP SUM	L.S.		L.S.		L.S.		L.S.		L.S.	
2-B*	F, PLANT & MAIN. PLANT MATERIAL (CURBED ISLAND AREA)	LUMP SUM	L.S.		L.S.		L.S.		L.S.		L.S.	
3	F, ASSEMBLE & INSTALL PARK BENCHES	LUMP SUM	L.S.		L.S.		L.S.		L.S.		L.S.	
4	F&I LITTER RECEPTACLES	20 UNITS										
5-A	F, ASSEM. & INSTALL ALUM. PICN. TABLES	20 UNITS										
5-B	F, ASSEM. & INSTALL WOODN. TABLES	5 UNITS										
6	F, ASSEM. & INSTALL BIKE RACKS	5 UNITS										
7***	F&I ADD. TOPSOIL (IF REQUIRED)	2 UNITS										
		350 CYS										
	* OPTIONAL ITEM											
	** ALTERNATE ITEM											
	*** CONTINGENCY ITEM											
TOTAL BID (ALL ITEMS EXCEPT ITEM 5-B												
TOTAL ALT. BID NO. 1 (SUM OF ALL ITEMS, EXCEPT ITEM 5-A0								\$29,480		\$23,292.14		
TOTAL ALT. BID NO. 2 (SUM OF ITEMS 1-A, 2-A, 3, 4, 5-A, 6 & 7								\$29,255		\$23,355.14		
TOTAL ALT. BID NO. 3 (SUM OF ITEMS 1-A, 2-A, 3, 4, 5-B, 6 and 7)								\$28,025		\$22,489.14		
CERTIFIED CHECK OR BID BOND								\$20,606		\$22,427.14		
PLANS & SPECS RETURNED.								BID BOND		CERT. CHECK		
								SPECS				

REPORTS

Recreation Department - monthly attendance report
for May, 1979. Filed.

Building Department - report for the month of May,
1979. Filed.

Tax Receiver's Office - Final report of collections,
dated June 13, 1979. Filed.

OPEN BID - ONE (1) NEW 2 DOOR SEDAN - 1979 HIGHWAY DEPT.

After being duly advertised the following bid on
One (1) New 2 Door Sedan - 1979 for the Riverhead Highway
Department was opened by the Town Clerk on Monday, June 18,
1979 at 11:15 A.M.

KINNEY CHEVROLET-OLDS INC.
East Main Street
Riverhead, New York 11901

YEAR	<u>1979</u>	MAKE	<u>Olds</u>	MODEL	<u>Delta 88 2 Dr.</u>
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DELIVERY DATE:	<u>Within 4 Weeks</u>
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DELIVERED BID PRICE FOR:	<u>One (1) New 2Dr. Sedan - 1979</u>	<u>\$7,039.00</u>
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LESS TRADE-INS:	<u>One (1) Used 1975 Ford LTD Sedan</u>	<u>\$ 500.00</u>
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NET PRICE DELIVERED FOR:	<u>One (1) New 2 Dr. Sedan - 1979</u>	<u>\$6,539.00</u>
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FILED.

APPLICATIONS

Directional Sign Permit - Robert & Thelma Scanlon
(2 by 4 Restaurant). Filed.

Town Takeover of Road - Petition signed by 17 residents
of Clover Place, Aquebogue, Filed.

Referred to Highway Supt.
Site Plan - Robert Tooker et al (open market place for
flea market, Route 58). Filed.

Supervisor Smith: "I would point out on any of these signs similar to this one, the last one being the application of the Dry Docke Restaurant. There is nothing that can be given by this particular Board that will give a person who is applying for such a sign title, or license or permission to be on property, unless they have requisite permits, etc., from the owner, a lease for instance. If someone chooses to put a sign in the Town right-of-way or in the County right-of-way on County Road 58, they get very little and just because they have a permit from us doesn't mean a great deal."

COMMUNICATIONS

Joseph Fuchs, 6/13/79 - Lists 8 reasons why Riverhead Airpark is beneficial to the Town. Filed.

Robert Napoli, 6/13/79 - Urges Town Board to grant application to re-open the Airpark. Filed.

Martin Nielson, 6/11/79 - requests the re-opening of the Riverhead Airpark. Filed.

Linda J. Vogel, 6/12/79 - states she is in full support, and urges the re-opening of Airpark. Filed.

K.G. Brown, 6/13/79 - operates a corporate aircraft and urges favorable consideration of Airpark. Filed.

A. McDonald, 6/7/79 - expresses support of Airport and urges Board approval of application. Filed.

Roy J. Namiotka, 6/6/79 - urges Town Board consider immediate re-opening of Riverhead Airpark. Filed.

Winston Boyd, 6/6/79 - states that employees of Penn Glass request re-opening of Airpark. Filed.

G & C Tire Service Center-strongly urges Town Board re-open Riverhead Airport. Filed.

Nancy Seaman, 6/7/79 - expresses support for Airpark and remarks about various aspects of individual rights. Filed.

Alphonse Danowski, 6/11/79 - states that the time is "now" to re-open Riverhead Airpark. Filed.

Robert Hulse, 6/11/79 - as a Riverhead Businessman for 22 years, states support for Airpark. Filed.

Linda Hulse, 6/9/79 - asks that Town Board support Airpark as a plus to travel & community development. Filed.

COMMUNICATIONS - continued

Telegram, 6/5/79 - Aircraft Owners & Pilots Assoc. representing 230,000 pilots, urges Town Board give favorable consideration to Airpark. Filed.

Board of Assessors, 6/12/79 - requests use of Court Room & Town Clerk's Office on Grievance Day, July 17th. Filed.

Town of Southold, 6/13/79 - Notice of adoption of amendment #10 to Town Ordinance. Filed.

Frances Kovach, 6/13/79 - asks that a tree limb resting on her roof be removed. Filed.

Thomas Costello, 6/12/79 - requesting reply from Board of Assessors to previous letter. Filed.

H2M Corp., 6/21/79 - regarding Townwide Street Lighting Contracts. Filed.

H2M Corp., 6/13/79 - regarding Doctor's Path Drainage Study. Filed.

Linda Margolin, 6/7/79 - confirming that their office does not represent Mr. & Mrs. R. O'Kane. Filed.

Planning Board, 6/8/79 - reserves recommendation on special permit application of Magee Service until further information is obtained. Filed.

Planning Board, 6/8/79 - reserves recommendation on special permit application of Courage Realty until corrected affidavit is received. Filed.

Planning Board, 6/8/79 - recommends that application for change of zone of Anacletus Galasso, Jr. be denied. Filed.

Environmental Quality Review Board, 6/18/79 - Action contemplated by applicant John O'Neill is not a Type 1 action. Filed.

UNFINISHED BUSINESS

Special Permit Application - Courage Realty (Route 25, Jamesport for a gas station).

Site Plan Application - Ray McKay (Route 25, Aquebogue for a fish stand).

Special Permit Application - John O'Neill (Meeting House Creek Road, Aquebogue for marina)

Site Plan Application - Guido Cricchio (cooler house, fish market, Wading River)

Supervisor Smith: "The application of Courage was mentioned earlier. The Planning Board is waiting for further information.

The site plan application of Mr. McKay is also awaiting action of the Planning Board.

The special permit application of Mr. O'Neill will be the subject of a resolution later on this evening.

The site plan application of Mr. Cricchio for an addition to his fish market in Wading River will also be the subject of a resolution later.

This brings us to that portion of our agenda where we will listen to anyone who chooses to address the Town Board on any matter. If you are here to address the Town Board with reference to the proposed amendments to the Town Code, that matter is on at 8:15. If you are here for that purpose, I would ask that you hold your comments until the time when that hearing is called for comment. If you are here on any other matter and you would like to address the Board at this time, you may come forward."

Walter Flanagan, 222 Fishel Avenue, Riverhead; "Mr. Supervisor, Members of the Board, the report that I submitted to Mrs. Irene Pendzick on June 13th represents the final report of the Tax Office for the year 78-79. At this time, I wish to make you aware of the scope of the report. If its okay, I'll do so.

Our total tax warrant for this year was \$15,415,930.27. Of this amount we collected \$14,667,155.71. We turned over to your self \$13,933,407.24. We returned to the County Treasurer Office \$747,578.10 and the remaining uncollected at this particular time is \$748,830.07. We also returned to you, Mr. Supervisor, \$13,829.63 which was turned over to you as penalties that we collected on the taxes. The total of all of the above represents the 85% collection of the total tax warrant. In this matter we are talking about 11,000 tax bills of which 28 we were unable to deliver to the rightful owners. I bring this to your attention and to the people of the Town

PERSONAL APPEARANCES - continuedWalter Flanagan continues:

of Riverhead. Of course, this was accomplished through the efficiency of Mr. Dorothy Jermusyk, Mrs. Carolyn Bugdin, and our three part-time help.

New notice procedures were adopted and also new account and auditing methods which were used to up-grade our system. We will continue to do so. Riverhead Town was the first Town in Suffolk County this year to have their books in the hands of the County Treasurer for audit and review. I might add there was no additional overtime or extra compensation involved in any of these participating. However, I made a promise that if the books were in on the 13th that I would buy lunch. They delivered and I delivered. I would be remiss if I did not bring this to your attention for I certainly feel it worthy of comment to all those employees. Thank you, Mr. Smith."

Supervisor Smith: "Thank you Mr. Flanagan. Quite obviously, without your efforts and the efforts of the fine ladies in your office, very little of the school district or Town Government would function and we thank you."

Anybody else choosing to address the Town Board on a matter that is not subject to a public hearing this evening? If not we will be with resolutions."

No one else wished to be heard at this time.

RESOLUTIONS

#243

PROPOSES ADVISORY REFERENDUM RE: NUCLEAR PLANT

Before the resolution was offered, Councilman Regula made the following statement: "Mr. Supervisor and ladies and gentlemen, I'd like to make a few comments before I propose this resolution. I'm introducing this resolution so the residents in Riverhead may voice their opinion on the proposed nuclear plants at Jamesport. The reason for the round-about way I have worded it is because we have to deal with attorneys and it can't be done by using plain common sense and simple facts. However, the proposition that I recommend be put on the ballot is worded very clearly and with no fancy legal language. I'm sure most residents know my stand on the nuclear plants at Jamesport. But because of the recent developments I honestly feel that the residents should be heard. I would like to read a quote from Robert Reed, the Mayor of Middle Town, Pennsylvania, published in the New York Times on May 20, 1979. Mayor Reed

RESOLUTIONS - continuedCouncilman Regula continues:

not only put the blame on the utility Co., and Federal Regulators, but also on himself and the city. He said and I quote, 'Hard questions about nuclear plants should have been asked by local officials before the Three Mile Island Facility was built. My community didn't do the job.'

There are people that figure this vote will have no impact on the New York State Siting Board or the Federal Regulatory Commission in arriving at a decision. However, I feel that because of the recent developments that all information which will be made available to them will be considered.

We must understand that the vote will not be binding on the Town Board, but it should be clear as to how the residents feel about nuclear power plants in our Town. Election day was chosen for this referendum because it will be a true poll of the seven to eight thousand people that will turn out that day. I now place my resolution on the record for this Board's vote."

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi,

WHEREAS, there was a recent accident at the nuclear power plant at Three Mile Island in Pennsylvania, and

WHEREAS, the safety of nuclear power is questioned by millions of people in the United States, and

WHEREAS, LILCO has proposed two nuclear power plants be built at Jamesport, and

WHEREAS, the proposal is being considered by the New York State Siting Board and the Federal Regulatory Commission, and

WHEREAS, the Town of Riverhead entered into a written agreement in 1975 with LILCO to "Manage, maintain, police, staff, govern and operate a recreational facility at the Jamesport nuclear plant or elsewhere", and

WHEREAS, the Town Law of New York State, Article VI, Section 81, provides that the Town Board may upon its own motion, cause to be submitted at a special or biennial town election, a proposition to establish and maintain public parks, comfort stations and playgrounds, and

WHEREAS, many residents of Riverhead have requested that an advisory referendum be held on whether there should be a nuclear project at Jamesport, and

WHEREAS, this Town Board feels that the residents of Riverhead are entitled to be heard on such a crucial issue, and

WHEREAS, this Town Board will submit the results of this vote to the New York State Siting Board, the Federal Regulatory Commission and the Governor of New York State, now, therefore, be it

RESOLVED, that the following proposition be submitted to the electorate of the Town of Riverhead on election day,

RESOLUTIONS - continued

November 6, 1979: "Shall the Town of Riverhead support the nuclear power plant project at Jamesport by operating and maintaining a recreational facility at or near the nuclear plant site or by any other means?" and

That the Town Clerk is hereby authorized to publish a Notice that the polling for this referendum be located at the seventeen (17) polling places in Riverhead Town, and that all persons 18 years of age and over residing within the Town of Riverhead for thirty (30) days prior to the date of the special election are eligible to vote.

The vote, Regula, Yes, Lombardi, Yes, before voting Councilman Mennedez stated: "Mr. Supervisor, originally Councilman Regula had the date fixed for this special election in July. We talked to him this afternoon and he agreed to change it to November and I want to get that on the record first. I have a little statement to make.

I have always thought that lawyers were ethically bound, as court officers, to uphold the law. Those who find devoices means to circumvent the law, in my opinion, are less ethical. We are told that a advisory referendum, such as proposed, is illegal. Also, if held in July, the results would not be indicative for only a few would bother to vote, mostly the "Aginers". Also, the costs for an advisory only referendum far exceed any value received such as the July vote. No one has asked me, but I would not be adverse to a proposition such as this being put on the November election ballot. At that time you would get a more accurate verdict, because of the much larger number of voters. Here again, only, and I underscore the word only, if it is legal to do this, and with that understanding, I vote Yes,

Councilman Young stated before he voted: "I want to make it clear and I hope that the voters, that when they vote for this, it's clear in their mind what they are voting for. It's not too clear in my mind reading this what we're voting for, but I think the basis of the thing is to find out whether this Town feels we should have a nuclear plant or not have a nuclear plant. It doesn't say that on the ballot here and I just hope that the people will read it in the way that it is presented, the spirity that we are trying to present this. We are trying, I feel, trying to give the people an opportunity to express their views on a nuclear plant and I think it is kind of a devious way to do it, but I guess it is the only legal way that we can do it and I have never bent the law for a Democrat. Now I'm bending it a little bit for a Republican, but I'll vote Yes."

Supervisor Smith stated before he voted; "It's one of the few times I've ever written something out. Certain basic

RESOLUTIONS - continuedSupervisor Smith continues:

philosophies of government has stood this nation well for many years. In the early history of our nation, there was a debate between those who favored what we might call a pure Democracy and those favored a representative Democracy. This was a debate probably between Hamilton, who was very much an aristocrat, and some of the others who were very much democrats in the small case of the word. And it came down that we had a representative Democracy and I think that the theory behind that which has stood well this nation is that certain people were elected to do the business of the people. They were elected and paid to study the issues. They were elected to spend the time on the issues and they were elected to take the responsibilities for the decisions on those issues when they were wrong and take the credit when they are right. I suggest to you that the resolution that is put before you tonight, is contrary to that theory and I feel is a mistake. I'll demonstrate some of the questions that can arise with reference to this proposition and deal with it specifically to demonstrate for you the folly for what is proposed.

On election day in November this year, in the Town of Riverhead, we are going to do away with permanent personal registration as a means of voting because, of course, the resolution as just adopted by a vote of four to zero says anybody over eighteen who resides for thirty days in the Town of Riverhead can vote and I suggest if you are over eighteen, reside for thirty days in the Town of Riverhead and you go to the ballot box, you better bring a police officer with you to fight your way in because you will not get to vote for Allen Smith or anybody else if you are not registered in that election. Let's take some of the others. How do you vote on this proposition if you favor coal? How do you vote on this proposition if you live west of Baiting Hollow? Certainly the Jamesport Power House is not the issue when you live west of Baiting Hollow. It is the Shoreham Power House. Literally taken a vote on this ballot says that we shouldn't build both houses. If it passes does it mean we change our position with reference to a coal fired power house or does it mean nothing with reference to the Town Board. This is something out of the mind of a writer called Joseph Heller. I can see the article in the Saturday Review about how the future of Nuclear Power depends upon the passage of a "potty" in the Town of Riverhead. This issue is not that simple, never was, never will be.

If the vote means nothing and it does mean nothing as a matter of law, everybody admits that it means nothing. As a matter of law why should anybody campaign for or against it. It's a short cut. It's the easy way out. It's a way that elected officials either here or other places can avoid making the decisions in a representative democracy for which you elect them. What will be next? Shall we vote on farmland preservation, and whether that's a hot idea? Shall we vote on Mr. Brush's

RESOLUTIONS - continuedSupervisor Smith continues:

Airpark? Shall we vote on whether or not we would have subsidized housing in the Town of Riverhead? Next phone call I get on drainage, I think the easy answer is I'm sorry I can't help you until we have a vote this November on whether or not we are going to drainage in the Town of Riverhead. Now that isn't what you elected me to do. You elected me to take hard positions on hard issues such as subsidized housing, or the Brush Airpark or whatever and if I'm wrong you unload me. It's as part and parcel of the American system as anything that ever happened. I'm not afraid to say as other people seem to be afraid to say that I have examined the record with reference to what's happening in Jamesport. I think and something that hasn't been mentioned so far, is that the nuclear ~~---~~ fired alternative that is currently in that proposal is probably as dead as a door nail, and that I am ready to admit to you that this Town Board has instructed its Attorney to brief coal, derive the tax base and get the power house.

A number of things will happen with reference to this resolution. It will either happen, there will be a law suit to enjoin it as being illegal or either the Comptroller or the Attorney General of the State of New York will pass a decision saying it is either legal or illegal. I am of the opinion of the matters that I have read and I have interpreted that the resolution is not properly before the Board and I would, therefore, request that my vote be listed by the Town Clerk as Not Voting."

The resolution was thereupon declared duly adopted.

#268

AUTHORIZES TOWN CLERK PUBLISH AND POST NOTICE OF
TWO PUBLIC HEARINGS REGARDING "SMALL CITIES, YEAR
II"

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, notification from the Region II office, U.S. Department of Housing and Urban Development, and notices and regulations, that the Town of Riverhead is entitled to submit a full application to the Department of Housing and Urban Development for participation in the "Small Cities Program" of the Housing and Community Development Act of 1977, and

WHEREAS, at least two public hearings are mandated to be held, to hear all those interested in both suggesting possible programs of work for the "Small Cities, Year II" application and comments upon the Town of Riverhead's Housing Assistance Plan, therefore be it

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a notice of Public Hearings to be

RESOLUTIONS - continued

held at Town Hall, the first on July 3, 1979 at 8:00 P.M., and the second on July 10, 1979 at 7:30 P.M.

PUBLIC NOTICEPUBLIC HEARINGS - SMALL CITIES, YEAR II

PLEASE TAKE NOTICE That, pursuant to notification from the Region II Office, U.S. Department of Housing and Urban Development, and Notices and Regulations, published in the Federal Register on March 1, 1978, the Town of Riverhead is entitled to submit a full application to the Department of Housing and Urban Development for participation in the "Small Cities Program" of the Housing and Community Development Act of 1977.

PLEASE TAKE FURTHER NOTICE That, on July 3, 1979 at 8:00 P.M. and on July 10, 1979 at 7:30 P.M., Public Hearings will be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, and the Town Board of the Town of Riverhead will hear all those interested in both suggesting possible programs of work for the "Small Cities, Year II" application and commenting upon the Town of Riverhead's Housing Assistance Plan.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith then stated: "Mr. Grasso do you have that legal? I don't see that there is a notice attached."

Irene Pendzick: "Yes it is on the back. He has it."

Supervisor Smith: "Did you put that one in?"

Lou Grasso: "I don't recall it."

Supervisor Smith: "I'm looking at him and he's shaking his head."

Irene Pendzick: "You picked it up this afternoon."

Lou Grasso: "Okay if that's on the list. I didn't check each one."

RESOLUTIONS - continued

Supervisor Smith: "All right. I just want to make sure that one is in. Ladies and gentlemen that means that there will be three Town Board Meetings in July. The first, second and third Tuesdays of the month."

#269 APPOINTS SECRETARY FOR THE BOARD OF ASSESSMENT REVIEW

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

BE IT RESOLVED, That Katherine Johns, be appointed as Secretary for the Board of Assessment Review, effective July 10, 1979, at an hourly rate of \$4.00.

FURTHER RESOLVED, That payment will be taken from the Board of Assessment Review.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#270 RESOLUTION BOARD OF ASSESSMENT REVIEW

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

RESOLVED, That Carl Locker, Howard Tuthill, and John Kalba all members of the Board of Assessment Review be paid in the amount of \$50 each per day of hearing complaints of assessment review,

And hereby, all expenses to be paid from the Board of Assessment Review budget.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#271 APPOINTS CLERK FOR THE BOARD OF ASSESSMENT REVIEW

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That Michael Peretta, be appointed as Clerk for the Board of Assessment Review, effective on Grievance day July 17, 1979 on that day be paid the sum of \$35.00

FURTHER RESOLVED, That payment will be taken from the Board of Assessment Review Budget.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#272 RESOLUTION FOR ASSESSOR TO ATTEND SEMINAR

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That Joseph F.X. Loughlin, Assessor be authorized to attend an appraisor seminar at Cornell University, Ithaca, New York on June 25 thru 29, 1979, and have the use of the Assessors car and

FURTHER RESOLVED, That the expenses incurred by him be paid by the Board of Assessors budget.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#273 AUTHORIZES APPOINTMENT OF PARK ATTENDANT TO RECREATION DEPARTMENT

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

RESOLVED, That Darryl Bernard Norton be and is hereby appointed to serve as Park Attendant effective June 18, 1979 to and including September 7, 1979, to be paid bi-weekly at the hourly rate of \$2.90 and to serve at the pleasure of the Town Board.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#274 AUTHORIZES RENTAL OF SNOW REMOVAL EQUIPMENT - HIGHWAY DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Superintendent of Highways be and is hereby authorized to pay rental for snow removal equipment in the total amount of ONE THOUSAND THREE HUNDRED NINETY SEVEN and 15/100 DOLLARS (\$1,397.15), in accordance with vouchers submitted and filed in the Office of the Town Clerk, at rates established by County Commissioner of Public Works.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#275 APPOINTS DONALD R. HARRIS TO TEMPORARY POSITION (SUMMER LABORER IN HIGHWAY DEPARTMENT)

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, there is an increase in the workload in the Highway Department during the summer months, and

RESOLUTIONS - continued

WHEREAS, Donald R. Harris, has submitted an application for summer employment with the Town of Riverhead,

NOW, THEREFORE, be it

RESOLVED, That Donald R. Harris be and is hereby appointed to the temporary position of Summer Laborer effective June 18, 1979, at an hourly salary of \$2.90 to serve at the pleasure of the Town Board.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#276

APPOINTS DAVID WITT TO TEMPORARY POSITION (SUMMER LABORER) IN HIGHWAY DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez,

WHEREAS, There is an increase in the workload in the Highway Department during the summer months, and

WHEREAS, David Witt, has submitted an application for summer employment with the Town of Riverhead,

NOW, THEREFORE, be it

RESOLVED, That David Witt be and is hereby appointed to the temporary position of Summer Laborer effective July 2, 1979, at an hourly salary of \$2.90 to serve at the pleasure of the Town Board.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#279

AWARDS CONTRACT FOR TWO-DOOR SEDAN FOR HIGHWAY DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Bids have been received for a two-door sedan for the Highway Department,

NOW, THEREFORE, be it

RESOLVED, That a contract for a two-door sedan is hereby awarded to Kinney's Chevrolet-Olds for a contract sum of Six thousand five hundred thirty-nine and 00/100 (\$6,539.00) Dollars, pursuant to plans and specifications on file with the Town Clerk.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#281

TRANSFER OF FUNDS - SANITATION

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

RESOLVED, That the Supervisor be, and he hereby is,

RESOLUTIONS - continued
authorizes to transfer the following Accounts:

FROM -- A8160.410 Sanitation Contract. Expenses \$600.00
TO -- A8160.200 Sanitation Equipment Expenses \$600.00

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#282 AMENDS RESOLUTION NO. 251-1979, AND APPOINTS SUMMER
TEMPORARY PERSONNEL IN ACCOUNTING DEPARTMENT AND
RE-VALUATION PROJECT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Resolution No. 251-1979 sets rates of compensation for summer students responsible to the Town Hall, and

WHEREAS, There was an error in the rates of compensation for the Re-Valuation Employees, and

WHEREAS, An additional temporary summer employees is needed in the Re-Valuation program, and

WHEREAS, An additional summer employee is needed in the Accounting Department,

NOW, THEREFORE, be it

RESOLVED, That Resolution No. 251-1979 is amended to state that the rate of compensation for the Re-Valuation Students is Four and 28/100 (\$4.28) Dollars, per hour, and be it

FURTHER RESOLVED, That Patricia Smith be, and she hereby is, appointed to the position of temporary summer employee in the Re-Valuation Program, at the rate of Four and 28/100 (\$4.28) Dollars, per hour, effective June 8, 1979, and be it

FURTHER RESOLVED, That Albert D. Smith be, and he hereby is, appointed as a summer intern in the Accounting Department at the rate of Three and 12/100 (\$3.12) Dollars, per hour, effective June 25, 1979, to serve at the pleasure of the Town Board.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#283

RETAINS COUNSEL

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Town Justice Richard Manning has been sued in the Federal District Court, and

WHEREAS, The Town does not have a policy of insurance which will defend Justice Manning,

NOW, THEREFORE, be it

RESOLVED, That Jonathan Sinnreich, Esq., be, and he hereby is, retained for the purpose of defending Town Justice Richard Manning in the matter of Frigenti v. Town of Riverhead, et al., and that he be paid a reasonable fee for his professional services upon submission of a voucher.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#284

AUTHORIZES CONTRACT OF EMPLOYMENT WITH RAYMOND WIWCZAR

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, This Town Board has heretofore petitioned the Public Employment Relations Board to exclude certain employees from the Civil Service Employees Association and the Police Benevolent Association bargaining process, and

WHEREAS, Negotiations and arbitration have resulted in contracts with those employees represented by the Civil Service Employees Association and the Police Benevolent Association, and

WHEREAS, This Board has undertaken negotiations and has obtained settlement with the confidential and managerial employee set forth below, and

WHEREAS, The Town Board finds that the contract of employment for the confidential and managerial employee of the Town should be amended so as to eliminate therefrom reference to longevity, overtime, hours of work, etc.,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor be, and he hereby is, authorized to execute a contract of employment with the employee named below, at the annual salary stated herein, effective January 1, 1979. Said contract to be individual to the employee and to contain such contract language as to eliminate overtime and longevity, and further terms as may be established by the Supervisor and agreed to by the employee.

<u>NAME</u>	<u>PERIOD</u>	<u>AMOUNT</u>
Raymond Wiwczar	1979	\$18,200.00 per annum
	1980	\$19,600.00 per annum

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#285

INCREASES BASE PAY OF ELECTED OFFICIALS

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Board has completed negotiations with all of its employees, and

WHEREAS, Various elected officials in their budget submissions for the year 1979, have requested raises, and

WHEREAS, The Town Board has considered these requests,

NOW, THEREFORE, be it

RESOLVED, That effective January 1, 1979, the base pay of the following elected officials shall be as stated herein:

Superintendent of Highway	\$20,000.00
Councilmen	\$10,855.00 each
Receiver of Taxes	\$16,000.00
Assessor	\$17,000.00
Town Justice	\$19,500.00

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#286

APPOINTS SUSAN PAPISH TO POSITION OF LEGAL STENOGRAPHER
IN TOWN ATTORNEY'S OFFICE

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, This Town Board has heretofore prepared and submitted to the Suffolk County Department of Civil Service a Duty Statement, which has been classified as Legal Stenographer in the office of the Town Attorney, and

WHEREAS, Susan Papish was appointed provisionally to said position, pending examination, and

WHEREAS, A Certification of Eligibles, dated June 15, 1979, has been received showing Susan Papish as the third eligible thereon,

NOW, THEREFORE, be it

RESOLVED, That Susan Papish be, and she hereby is, appointed to the position of Legal Stenographer from the Certification of Eligibles, dated June 15, 1979, at the annual rate of compensation provisionally established by this Board.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#287

AWARDS CONTRACTS NOS. 1 AND 2 FOR RIVERFRONT PARK

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town Board has advertised and received bids for certain capital improvements, known as the Riverfront Park, and

WHEREAS, It is the recommendation of the consulting engineers that Contracts Nos. 1 and 2 be awarded,

NOW, THEREFORE, be it

RESOLVED, That the Town Board does hereby award Contract No. 1 to Rivara Construction Corp. for the total bid price of Eighty-six thousand six hundred thirty and 00/100 (\$86,630.00) Dollars, and Contract No. 2 to Meeker Electric for the contract sum of Thirty-eight thousand three hundred sixty-four and 00/100 (\$38,364.00) Dollars, all in conformance with the plans and specifications on file with the Town Clerk of the Town of Riverhead, its consulting engineers and other Departments of the Town, and be it

FURTHER RESOLVED, That the Town Clerk be, and she hereby is, authorized to re-bid any and all of the contracts not awarded by this resolution at the direction of the consulting engineers of the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:15 P.M.

The Town Clerk submitted affidavits of publishing and posting of public notice of a public hearing to be held June 19, 1979 at 8:15 P.M., to hear all interested persons regarding proposed code amendments to the Town Code.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Ladies and gentlemen there are numerous amendments, many of which are housekeeping matters and changes of things that the Zoning Board of Appeals and the Planning Board have recommended. They do not fall into any one particular category.

Is there someone here who wishes to address the Town Board with reference to the amendments to what is called the Zoning Ordinance? It is actually the Code of the Town of Riverhead, this evening. No one appearing to speak either

PUBLIC HEARING - continuedSupervisor Smith continues:

for or against the proposed amendments, the Board will rely upon its own knowledge of the amendments and its knowledge of the code and the recommendations of the Planning, Zoning Board and other joint Board who participated in the preparation of these amendments. Yes, Henry?"

Henry S. Saxtein: "I would just like to say that the amendments also cover a different section of the Town Code regarding Sewers, and regrading beaches and recreation."

Supervisor Smith: "Anyone wishing to speak on those also?"

Irene J. Pendzick: "Also abandoned vehicles."

Supervisor Smith: "And the Town Clerk also says abandoned vehicles. This is a big notice."

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:17 P.M.

RESOLUTIONS

#288

RETAINS APPRAISOR FOR OSBORNE & HAMILTON AVENUES
PROPERTY

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, The Town Board wishes an appraisal with reference to certain vacant land at the intersection of Osborne Avenue and Hamilton Avenue,

NOW, THEREFORE, be it

RESOLVED, That Albert N. Mauro be, and he hereby is, retained for the purpose of preparing such an appraisal, and that he shall be paid a reasonable fee for his service upon submission of a voucher.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#289

RETAINS APPRAISORS FOR RELOCATION PROPERTY

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Town Board, in conjunction with certain

RESOLUTIONS - continued

flooding conditions on Horton Avenue, north of Middle Road, has considered relocation of certain buildings at that location, and

WHEREAS, A possible site for relocation has been found on the west side of Osborne Avenue, north of the property owned by Dorman,

NOW, THEREFORE, be it

RESOLVED, That John Breslin and Gerard D. Snover be, and they hereby are, retained for the purpose of preparing appraisals for said property, and that they be paid a reasonable fee for their services on submission of vouchers.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#290

APPROVES SITE PLAN OF PLAZA 58

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Robert L. Tooker has applied for approval of a site plan for premises, known as Plaza 58 (formerly Billy Blake-Great Eastern), and

WHEREAS, This site plan shows a proposed open market area, and

WHEREAS, Said site plan has been reviewed by the Building and Zoning Administrator, and

WHEREAS, The Board finds that there is sufficient parking for the proposed open market area and existing structures;

NOW, THEREFORE, be it

RESOLVED, That the Town Board does hereby approve the site plan for Plaza 58 "open market place", as shown on a survey, dated June 6, 1979, by Howard W. Young, on the condition that said site plan approval may be amended, modified, limited, or revoked by reason of changed circumstances, including, but not limited to the increased occupancy of the existing structures upon said premises.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#291

RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION
RIVERHEAD AIRPARK, INC.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Riverhead Airpark, Inc., by Affidavit of Joseph Brush, Jr., has applied on September 14, 1979 for a Special Use Permit for a privately-owned airport located

RESOLUTIONS - continued

Northwest of the intersection of County Road 105 and Northville Turnpike in the Town of Riverhead, County of Suffolk, State of New York, and

WHEREAS, The Town Board referred the application to the Riverhead Town Planning Board on September 21, 1977, and the Riverhead Town Planning Board by resolution dated October 6, 1977 and by letter dated October 7, 1977 advised the Town Board that the construction of an airport was a Type I Action likely to require an environmental impact statement under the Environmental Conservation Law § 8-0113 and, therefore, returned the application to the Riverhead Town Board for their consideration, and

WHEREAS, The Environmental and Quality Review Board of the Town of Riverhead found, on November 17, 1977, that no environmental impact statement was required in the application of Riverhead Airpark, Inc., to operate an airport, and

WHEREAS, By resolution of the Town Board dated December 6, 1977 a public notice for a public hearing on January 17, 1978 at 8:15 P.M. at the Riverhead Town Hall was published and posted by the News Review on January 5, 1978, and

WHEREAS, By a letter of the Town Attorney dated February 28, 1978, the Town of Riverhead requested that the Suffolk County Department of Planning make a determination based upon the special use permit application pursuant to section 1331 of the County Charter, and the Suffolk County Department of Planning by letter dated April 6, 1978 resolved to disapprove the application, and

WHEREAS, The Town Board of the Town of Riverhead may, pursuant to section 1325 (C) of the County Charter, adopt an action as originally proposed after the County Planning Board has disapproved it by a vote of a majority plus one of the members of the Town Board, and

WHEREAS, The Town Board of the Town of Riverhead rejects the Suffolk County Planning Commission's report and makes the following findings:

1) That a small general aviation airport with a grass strip runway is recommended by the Riverhead Town Master Plan and that such an airfield has been and will be used for aerial applications of pesticides and other materials necessary for the agricultural uses recommended by the County Master Plan. Further, said County Master Plan has been defacto amended by the County by the construction of the four lane County Route 105 adjacent to the site. Further, single-family residences are not desired at this location because they are inconsistent with the agricultural use.

2) That the contemplated use of the premises as a general aviation facility including accessory uses is compatible with the existing automotive repair and storage facilities

RESOLUTIONS - continued

existing on the premises. It is compatible with County Route 105 and the commercial use of the north side of Sound Avenue known as Briermier Farm.

3) Evidence presented at the public hearings and within the knowledge of the Board members contradicts the finding of devaluation in that values increased while the airport was in operation.

4) Nonresidential development is supported by the 1973 Riverhead Town and Suffolk County Master Plans.

5) The issue of safety is within the jurisdiction of state and federal agencies which have approved or not raised this issue.

6) That although additional airport facilities exist in eastern Suffolk County, this airport is necessary to accommodate the general aviation needs of the Riverhead area and to provide an additional landing area when southern and eastern airports are fog bound.

7) That sufficient information has been submitted to the Town Board of the Town of Riverhead to make a determination on this special permit application.

WHEREAS, A public hearing on the special use permit application of Riverhead Airport, Inc., was held on the 17th day of January 1978 at 8:15 p.m., wherein many people were heard, both in favor and in opposition to the proposed special use permit application, and wherein expert testimony, reports, and real estate appraisals were received by the Town Board, and

WHEREAS, Letters and petitions were received by the Town Board before and during the hearing both in favor of and in opposition to this special permit use application, and

WHEREAS, The Town of Riverhead requested the State Commissioner of Transportation to determine whether or not this special permit use application complied with the State Department of Transportation's standards pursuant to General Business Law section 249(3) by a letter of the Town Attorney dated February 24, 1978, and by letter dated July 18, 1978 William C. Hennessey, Commissioner of Transportation determined that the airport runway location as described in the information dated March 15, 1978 did not meet department standards due to the fact that there was insufficient distance between the runway and parallel County Route 105, and

WHEREAS, Riverhead Airport, Inc., through its attorney by letter dated August 24, 1978, submitted a new survey proposing a relocation of the runway, and

RESOLUTIONS - continued

WHEREAS, By Town Board resolution dated October 3, 1978 and by a letter of the Town Attorney dated October 4, 1978, the Town of Riverhead requested that the Department of Transportation make a new determination pursuant to General Business Law section 249(3) to determine whether or not the establishment of a privately-owned airport complied with the standards of the department, and by letter dated April 30, 1979 the Department of Transportation, by John F. Downing, Executive Deputy Commissioner of Transportation, advised the Town of Riverhead that the new airport runway location as described in information dated October 25, 1978 met the department's standards subject to the following conditions:

1) The airport will be constructed and maintained as described in the information dated October 26, 1978 as submitted to this department.

2) The conditions outlined in the FAA Airspace Clearance (Case #78-AEA-266NRA), issued November 24, 1978, are adhered to, and

3) The northern runway threshold should be displaced for landings to provide a twenty to one clearance over the powerlines along Sound Avenue.

Based on the information available, the threshold displacement should be approximately 200 feet, but the exact displacement should be verified in the field to assure at least a twenty to one clearance over the powerlines, and

WHEREAS, By the request of the applicant on May 15, 1979 the Town Board of the Town of Riverhead adopted a resolution calling for a public hearing on June 5, 1979 at 8:00 P.M. to consider the special use permit application as amended by the relocation of the runway approximately 800 feet west of its former location, and

WHEREAS, Testimony and evidence having been received on behalf of the applicant, people in favor of, and people in opposition to the special use permit on January 17, 1978 and on June 5, 1979,

WHEREAS, The Town Board of the Town of Riverhead has considered whether:

1) The site of the proposed special use permit is suitable for the location of such use in this community.

2) The plot area of the special use permit is sufficient, appropriate, and adequate for the operation of the airport.

RESOLUTIONS - continued

3) The characteristics of the special use permit are not such that it would reasonably affect any nearby church, school, theater, recreational area, or any other places of public assembly.

4) The proposed special permit use will not cause any traffic congestion in the approximate area of the airpark.

5) Adequate land buffers exist to protect adjacent owners from the proposed special permit use, and

6) Any other matters specifically or generally referred to in the Code of the Town of Riverhead would affect this application.

WHEREAS, Having considered the above, the Town Board of the Town of Riverhead hereby makes the following findings and legislative determinations:

1) That the proposed special permit use as set forth in the application Joseph Brush will not prevent or substantially impair the reasonable and orderly use or development of other properties in the neighborhood.

2) That any hazards or disadvantages to the surrounding area from the location of the special use permit are outweighed by the advantages to be gained by the Town of Riverhead from the establishment of the airpark,

3) That the health, safety, welfare, comfort, convenience, and order of the Town will not be adversely effected by the proposed special use permit.

4) That the proposed special use permit will be in harmony with and promote the general purposes and intent of the zoning ordinances of the Town of Riverhead, and

5) That the proposed special use permit will help to provide jobs and stimulate the economy of the Town of Riverhead, and

6) That construction of the grass strip runway will not create any drainage problems,

7) That the proposed special use permit will not require an expansion of municipal services and facilities, and

8) That further consideration of this application by the Planning Board of the Town of Riverhead or by the Suffolk County Department of Planning by reason of the amendment of

RESOLUTIONS - continued

the application by moving the landing strip to the west is not warranted in that such amendment adds no new structures and does not present a material change in the proposed use as was considered by said agencies in the application's original submission.

WHEREAS, The members of the Town Board of the Town of Riverhead have inspected the airpark facilities of Joseph Brush, Jr., and are fully familiar with them and have personal knowledge the County Airport at Westhampton Beach, the private airport at Mattituck, New York, and other small area airports and are familiar with those airport operations, and

WHEREAS, The members of the Town Board of the Town of Riverhead do rely upon their personal knowledge of the Joseph Brush Airpark and the needs of the entire community, now, therefore, be it

RESOLVED, That a special use permit is hereby granted to Riverhead Airpark, Inc., to use the facilities presently depicted on the amended survey as a general aviation airport subject to the following limitations:

1) That the air strip will not be constructed of any artificial substance but shall be a grass strip only.

2) That only single and double engine-driven aircraft shall be authorized to utilize such facilities.

3) That air traffic shall be limited to daylight hours only.

4) That the use of the air strip shall include all operations in connection with General aviation facilities among which are the following:

a) air charter operation;

b) private or personal flying for recreation or other private purposes;

c) application of chemicals by aircraft to agricultural crops;

d) aircraft maintenance and repairs;

e) aerial photograph and mapping,

and

BE IT FURTHER RESOLVED, That subject to the Code of

RESOLUTIONS - continued

the Town of Riverhead, applicant shall have the right to construct repair and maintenance shops, parking facilities for aircraft, storage and administrative areas, upon further resolution of the Town Board, and

BE IT FURTHER RESOLVED, That any receptacle for the storage of aircraft fuel shall meet the requirements of the Town of Riverhead, any other agency which has jurisdiction over gasoline storage and the Environmental Quality Review Board of the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and before Voting, Supervisor Smith stated: "Before I vote, I want to say something. It is probably only something that a lawyer can say. I wrote in my capacity as Town Supervisor to the attorneys involved in this particular case and I suggested that a meeting of the various parties that are involved either for and against the application get together. That didn't happen. It didn't happen because of Mr. Brush and his Attorney. It happened because of the attorney on the other side. I believe that a disservice has been done not only to the clients on both sides, I think the only thing that can result from the fact that the meeting did not occur is that a lot of people are going to spend a lot of money for lawyers. That some how in this case delay got confused with representation of people's rights and it's a disservice to the community. It's a disservice to the clients, and it is indeed unfortunate. I believe that some of the acrimony and some of the mistrust and misunderstandings that have developed in this thing are absolutely and totally unnecessary and I lay them right to the door of the lawyer representing the people who are in opposition. I think he is more interested in litigation, and in fees, than he is in representing legitimate interest of clients. (Inaudible comments from the audience).

Well I'm entitled to that, aren't I Sir? And I vote Yes, in favor of the application."

The resolution was thereupon declared duly adopted.

#292

RESOLUTION GRANTING A SPECIAL PERMIT FOR A DIRECTIONAL SIGN

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Robert and Thelma Scanlon, owner-operators of the "2 by 4" Restaurant have applied to the Town Board of the Town of Riverhead for a special permit for a directional sign pursuant to section 108-56(P) of the Town Code, and

WHEREAS, The Scanlons have submitted a sketch of their proposed eight (8) square foot sign, a sketch of the proposed location of the sign, and a affidavit of permission

RESOLUTIONS - continued

to erect the sign from the reputed owner of the property on which the sign is located, now, therefore, be it

RESOLVED, That the Town Board hereby grants a special permit to Robert and Thelma Scanlon to construct an eight (8) square foot directional sign on the northeast corner of the intersection of State Route 25A of Hulse Landing Road, and be it

FURTHER RESOLVED, That said sign shall comply with the setback requirements of section 108-56(P) of the Town Code, and be it

FURTHER RESOLVED, That this special permit issued by the Town Board does not waive any rights of the owners upon which the sign is to be located or the State of New York or County of Suffolk Highway Departments, or the Town of Riverhead Highway Departments.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#293

GRANTS SPECIAL USE PERMIT

Councilman Menendez offered the following resolution which was seconded by Councilman Young,

WHEREAS, John O'Neill has applied on January 9, 1979, to the Town Board of the Town of Riverhead for a special use permit to operate a boat yard and boat storage building, pursuant to Section 108-48 (B) (2) of the Town Code, and

WHEREAS, This application was referred to the Riverhead Town Planning Board on January 17, 1979, and said Board recommended that the special permit application be approved, pursuant to a resolution, dated February 1, 1979, and

WHEREAS, This special use permit application and the Environmental Assessment form were forwarded to the Town of Riverhead Environmental Quality Review Board, and said Board made the determination on February 1, 1979, that the proposed use was a Type 2 Action, and would have a significant impact on the environment, and

WHEREAS, The special use permit application was referred to the Suffolk County Planning Commission, and the Suffolk County Planning Commission considered the application to be a matter for local determination, and

WHEREAS, Public hearings were held before the Town Board of the Town of Riverhead on February 27, 1979, and on May 15, 1979, wherein all persons wishing to be heard were given an opportunity to speak, and

WHEREAS, At the initial hearing, testimony was offered by Mr. O'Neill to the effect that he wished to use the subject parcel for storage and operation of a seaplane, which would land in the Peconic Bay and taxi along Meetinghouse Creek. Said testimony had also been given before the Planning Board, to members of the Environmental Quality Review Board, and to a

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citizens group. In light of the aviation aspect of this application, the same was referred to the New York State Department of Transportation, as is required by State statute. Whereupon, Mr. O'Neill withdrew, in writing, any reference in his application for use of the premises relating to aircraft, and

WHEREAS, Said application, as initially presented to include the aircraft use would be denied by this Board on the grounds that the landing of aircraft in Peconic Bay and their taxiing on Meetinghouse Creek would cause a substantial safety hazard to boat traffic, said use is inconsistent with existing residential properties to the south of the site and along the creek, etc., and

WHEREAS, The Town Board has considered whether:

1) The site is particularly suitable for a boat yard and boat storage operation.

2) The plot area is sufficient, appropriate and adequate for the operation proposed,

3) The characteristics of the proposed use are not unsuitably near a church, school, theatre, recreational area or any other place of public assembly.

4) Access to the facilities are adequate for the estimated traffic that the proposed use would generate.

5) There is adequate area for off-street parking.

6) There is adequate area for landscaping, walls, fencing, and/or screening, subject to site plan review, and

7) Existing municipal services and facilities are adequate to provide for the needs of the proposed use.

and

WHEREAS, The Town Board has determined that: (1) the proposed use is in an area zoned Industrial B and it is a transitional parcel where Industrial B and existing residential uses meet; (2) the hazards or disadvantages to the neighborhood from the location of the proposed use will not unduly burden the neighborhood due to the fact that the property upon which the proposed use is planned adjoins another marina; and (3) the comfort, convenience and order of the Town will not be adversely affected by the proposed use as further limited by this resolution,

NOW, THEREFORE, be it

RESOLVED, That the Town Board of the Town of Riverhead hereby grants a special use permit to John O'Neill to

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operate a boat yard and boat storage building, a non-nuisance industry, on the east side of Meetinghouse Creek, south of the Lighthouse Marina in the Town of Riverhead, County of Suffolk, and State of New York, subject to the following conditions:

(1) John O'Neill, as contract vendee, shall provide to the Town Board of the Town of Riverhead proof of ownership of the parcel upon which the special permit use is proposed from a reputable title company licensed to do business in the State of New York.

(2) John O'Neill shall supply to the Town Board of the Town of Riverhead an affidavit from the current owners of the property that they support his application for this special permit.

(3) That the applicant and owner shall covenant and restrict in a form acceptable to the Town Attorney in recordable form that the subject premises shall not be used for aircraft or aircraft related uses. Said covenant and restriction shall run to the benefit of the Town of Riverhead and all owners of real property within five hundred (500) feet of the subject premises, or five hundred (500) feet from Meetinghouse Creek.

(4) That the owner or applicant shall obtain and exhibit to the Building Department all required permits for construction along Meetinghouse Creek from the New York State Department of Conservation, Corps of Engineers, and United States Coast Guard prior to the issuance of a building permit.

(5) That this special permit shall be limited to the docking and storage of no more than five (5) boats.

(6) That there will be no on-site storage of petroleum products.

(7) That the north and south property line shall be fenced with an eight (8) foot chain link fence with a woven material therein and said fence shall be maintained in good repair as a condition of this permit.

(8) That there be planted and maintained to the north and adjacent to the south property line a ten (10) foot planted buffer to be planted at the direction of the Building and Zoning Administrator.

(9) That all parking on said site shall conform to the specifications of the Code of the Town of Riverhead.

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(10) That there shall be sufficient on-site drainage for collection of runoff from all paved areas and buildings.

(11) That this special permit shall remain subject to the jurisdiction of this Town Board, any interpretation of this permit shall be subject to the Town Board's resolution, the Town Board may, from time to time, amend this special permit by reason of changed circumstances or new evidence offered relative to this use.

(12) That the granting of the special permit by the Town Board of the Town of Riverhead shall not be construed as waiving any further requirements of the County, State or Federal agencies.

(13) Subject to the above, the site plan entitled "Site Plan for John O'Neill at Aquebogue", dated November 28, 1978, prepared by Alden W. Young, is approved showing a bulkhead (No docks), a boat ramp, a warehouse or storage building, eight (8) parking places, and drainage rings. Any changes shall be referred to this Board for further consideration and resolution.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#294

SITE PLAN APPROVAL

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, The site plan and application of Guido Cricchio to construct a cooler house for a fish market located on the north side of Route 25A west of Wading River-Manorville Road has been forwarded to the Town Board by the Zoning Officer for site plan review pursuant to section 108-38 of the Town Code, and

NOW, THEREFORE, be it

RESOLVED, That the site plan for a cooler house for a fish market located on the north side of Route 25A west of Wading River-Manorville Road be approved as submitted, as shown on site plan, dated, and accept as modified confirming prior resolution.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#295 RESOLUTIONS - continued
AUTHORIZES SUPPLEMENTARY COMPENSATION TO FIELD
SUPERVISORS

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Vincent Ankner and Danielle Monaco were hired by the Suffolk County Department of Labor as Inventory Clerks, and

WHEREAS, Vincent Ankner and Danielle Monaco are now fulfilling the titles of Field Supervisors, and

WHEREAS, The Suffolk County Department of Civil Service has advised the Supervisor that the difference in rates of compensation between those two positions can be paid by appointments of these employees as temporary employees,

NOW, THEREFORE, be it

RESOLVED, That this Board does hereby appoint Vincent Ankner as a temporary employee of the Town of Riverhead in the position of Field Supervisor, effective May 1, 1979, and Danielle Monaco as a temporary employee of the Town of Riverhead in the position of Field Supervisor, effective June 18, 1979, at an hourly rate of compensation of Thirty-nine cents (\$.39), as supplementary compensation to their rate of pay with the Suffolk County Department of Labor,

The vote Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes..

The resolution was thereupon declared duly adopted.

#297 APPROVES KING KULLEN SITE PLANS, SUBJECT TO
CONDITIONS

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Code of the Town of Riverhead calls for site plan review in all commercial districts, and

WHEREAS, A site plan has been submitted by King Kullen Supermarket, prepared by Niego Associates, Job. No. 79-44, last dated, April 9, 1979,

NOW, THEREFORE, be it

RESOLVED, That said site plan is hereby approved subject to the following conditions:

1. That nothing herein shall be construed as an approval of any sign shown on said site plan;

2. That parking, standing, or unloading of trucks on the new concrete platforms shall be done from vehicles parallel to the west wall of the King Kullen Supermarket;

RESOLUTIONS - continued

3. That at no time shall there be less than twenty-five (25) feet of clearance between said trucks, vehicles and the curb along the westerly lot line; and

4. Nothing contained herein shall be construed as an approval of two proposed buildings shown in the northeast corner of the plot plan.

The vote: Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

PERSONAL APPEARANCES

Supervisor Smith: "Mr. Nohejl, you have your hand, I assume up? I will call on you right now. I will reconvene that portion of our agenda where we will listen to anyone choosing to address the Town Board."

Bill Nohejl, Wading River; "Gentlemen, I think about three months ago there was a bid for an LTD Ford for the Highway Department. At that time, Mr. Young voted Yes, the four other, three Councilmen and Supervisor voted No. It was too extravagant. Am I right?"

Supervisor Smith: "It didn't pass, however."

Bill Nohejl: "You voted No, no car, no bid. At that time, it was \$4,849.00. Today I understand there was one passed for \$6,500. At that meeting there was a lot of kibitzing going back and forth here as it was too elaborate. The Town Highway Supervisor does not ride in a car that good. There was one on Shelter Island. There was one in Islip, I think Mr. Young talked about. That car was voted down at \$4,900. Today there was one approved for \$6,500. I charge you people with squandering of \$1,600 because of the time that was going on here at that time, foolishness."

Supervisor Smith: "Okay, I don't know if your figures are right, but I'll look at them."

Bill Nohejl: "I know they are right."

Supervisor Smith: "Okay."

PERSONAL APPEARANCES - continued

Bill Nohejl: "And I believe it is a wrong doing to the Town."

Supervisor Smith: "Mr. Regula thinks it was \$5,600."

Bill Nohejl: "Mrs. Pendzick, you have that on record, and I believe it was \$4,900.00? That was quite cheap for an LTD."

Supervisor Smith: "Anyone else wishing to be heard? If not, I bid you good night."

No one else wished to be heard.

There being no further business on motion and vote, the meeting adjourned at 8:33 P.M.



Irene J. Pendzick, Town Clerk

IJP/vlv